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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

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ENG

CUBA: FOREIGN INVESTMENT FUELS REPRESSIVE SYSTEM
BASIC ILO CONVENTIONS VIOLATED

Human Rights

The general human rights situation in Cuba did not improve in the year 2000. The penal code and other legal and institutional structures are instrumental in restricting basic human rights. Unless and until they are changed, it will always be possible to use them to support or justify human rights' violations. International human rights organizations like Human Rights Watch and Amnesty International denounced continuous practices of intimidation, harassment and short and long-term arrests. Reporters without Frontiers, as well as the Cuban independent press organization Union of Journalists, reported many cases of journalists who were being severely harassed or professionally silenced. During the first two months in particular, the country experienced a wave of repression during which 352 peaceful human rights activists were arrested. According to Human Rights Watch, at least 24 prisoners were executed in 2000. Pax Christi International calls for more international attention for the abuses and violations of human rights in Cuba. Denouncing the abuses and violations, we demand steps be taken to put an end to such violations.

Our movement calls for international support for the internal peaceful opposition like the coalition Todos Unidos (All United) that in January 16, 2001 publicly demanded that the Cuban government "release political prisoners; stop practices of persecution; respect the right to a fair trial; put an end to unjust and disproportional severe sentences; stop arbitrary detentions and solitary confinement; grant free access to public trials and refrain from all other acts that infringe basic personal rights."

Foreign Investment in Cuba and the violation of basic labour rights

In 1998, during his visit to Cuba, the Pope sent his famous call for the world to open up to Cuba and for the Cuban Government to open up to the world. The Cuban Government indeed opened up further and invited international capitalist investment with attractive conditions. Especially European investors responded positively to these efforts, and the Cuban economy now relies heavily on European investment. Two years later, in the year 2000, attention was given to foreign investment on Cuban society, with special focus on the application of the international labour conventions of the ILO.

Unfortunately, instead of being a force against Cuba's repressive policies, foreign investors actively encourage further human rights violations by their refusal to include best business practices to protect the rights of their Cuban employees. Furthermore, the influx of foreign currency has strengthened the Cuban regime. In exchange for their financial support, the Cuban Government has granted foreign investors extensive concessions, which allow them in the long-term to make a considerable amount of profit or at least to gain a foothold in Cuba before the US embargo is lifted. At the same time, foreign investors are obliged to enter into a joint venture with the Cuban State which, as principal shareholder, dictates the terms of the contract.

Although Cuba has ratified all ILO conventions, three out of the eight fundamental ILO conventions are being violated. These are the ILO conventions no. 87 (freedom of assembly and right to organise), no. 98 (right to organise and collective bargaining) and no. 111 (the right to non-discrimination in appointment). Under the conditions imposed on foreign investors by the Cuban State, the foreign entrepreneurs are not allowed to apply a large part of the international

labour rights to their personnel. Pax Christi International demands that the rights of all workers to bargain directly with employers over benefits, promotions and wages and the right to organise are respected and upheld.

Furthermore, the Cuban authorities have a prominent role in the selection, payment and dismissal of Cuban personnel employed by foreign investors. For example, the Cuban State supplies the foreign companies government-approved personnel and clearly violates the right to non-discrimination in appointment. Also, the Cuban State dictates the wages of the local personnel employed by foreigners and retains 90% of their salaries, leaving the Cuban worker with a minimum salary in Cuban currency. This is a clear violation of the right of workers to dispose freely of their salaries. And like all Cuban workers, they must be members of the state-controlled Cuban labour union CTC (Central de Trabajadores de Cuba). Those workers that belong or even associate to the independent and thus illegal unions are expelled from their jobs.

Although foreign investors in Cuba are quite aware that they should apply international labour standards, they accept the repressive measures of the Cuban regime to control the workers in their companies. By accepting these conditions, foreign investors become accomplices to the continuation of the human rights violations.

Foreign investment in combination with the Government's new economic policy caused a stratification of Cuban society and the dollarization of the economy. The comfortable political elite of Cuba is allowed to take advantage of the changing economy, while a vast majority of Cubans face exclusion, with the possible exception of those working in the tourist sector and to a limited extent, employees of foreign enterprises.

The independent Cuban organizations within civil society that demand respect for international labour rights and human rights are harassed, persecuted and imprisoned.

The unrestricted direct foreign investment in Cuba thus fuels the violations of human rights and relieves the need for reform. Consequently it becomes necessary for the international community to develop a common and pro-active strategy.

Pax Christi International calls on:

- The United Nations to again appoint a Special Rapporteur for Cuba and recommends a visit to the country by the UN High Commissioner for Human Rights.

- The United Nations to document and denounce publicly the violations of the human rights and international labour rights in Cuba and to express its international concern (in a resolution).

- All foreign entrepreneurs that invest in Cuba to apply international standards (such as the ILO conventions) to Cuban practice, and to press the Cuban authorities to do so. Foreign investors in Cuba are also requested to take best business practices as guidelines for their activities in Cuba, for example the "Arcos Principles", that were expressed by those who are actively involved in securing and defending the rights of workers.

- The international community to develop a common framework that demands basic internationally recognized human and labour rights. Canada, the European Union and the United States in particular should initiate a dialogue to work out a common position on foreign investment in Cuba, including respect for the ILO conventions.

- The European Union to keep up the spirit of the common position on Cuba. This common position has been the cornerstone of EU policy since 1996 and demands from Cuba fundamental reforms in exchange for increased economic cooperation. The national economic interests of the various EU countries should not prevail over the human rights situation of the Cuban people.